

### **REMARKS**

Claims 1-15 and 45-64 are pending. Applicants note with appreciation that Claims 8, 9 and 62 would be allowable if the objection is overcome.

#### **35 U.S.C. §102 (a) Rejection**

##### **Claims 1-5, 10, 12-15, 45, 46-59 and 64:**

Claims 1-5, 10, 12-15, 45, 46-59 and 64 are rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Chiang (US Patent No. 4,285,801). The rejection is traversed.

The present Claim 1 is directed to non-aqueous electrophoretic capsules comprising a halogenated polymeric shell and an electrophoretic composition enclosed therein wherein said electrophoretic composition comprises charged pigment particles or pigment-containing microparticles dispersed in a dielectric solvent. Applicant again refers to Exhibit 1 (attached herewith) to assist the Examiner in understanding how the present invention is fundamentally different from Chiang.

In this drawing of Exhibit 1, a non-aqueous electrophoretic capsule (A) comprises a halogenated polymeric shell (E) and an electrophoretic composition (B) enclosed within the halogenated polymeric shell (E). In the electrophoretic composition (B), charged pigment particles or pigment-containing microparticles (C) are dispersed in a dielectric solvent (D). The pigment-containing microparticles are microparticles with pigment particles encapsulated therein. Claim 1 is directed to non-aqueous electrophoretic capsules, which act as display cells (A).

In the Office Action, the Examiner refers to the Abstract and the description in column 2, at lines 46-48 of Chiang and alleges that the subject matter of the present Claims 1 and 2 is disclosed in Chiang. Applicants will address each of the allegations and use Exhibit 1 to show the difference between the claimed invention and Chiang.

First of all, nowhere does the Abstract of Chiang mention “non-aqueous electrophoretic capsules” comprising a halogenated polymer shell, as alleged in the Office Action. The highly fluorinated polymeric material referred to in Chiang is coated on the particles (C in Exhibit 1) which are dispersed in a dielectric solvent (D in Exhibit 1). The highly fluorinated polymeric material in Chiang is not formed surrounding an electrophoretic composition (B). The Abstract

of Chiang does not mention “non-aqueous electrophoretic capsules; it also fails to mention a display cells (A) filled with a suspension (B) comprising the particles (C).

The description in column 2, at lines 46-48 of Chiang recited below further supports the fact that Chiang does not disclose the subject matter of Claim 1.

*“To summarize, to stabilize display colloidal suspensions (B in Exhibit 1), the dispersed pigments (C) are encased firmly in fluorinated polymer shells, which polymer shells extend into the liquid (D) sufficiently to prevent the contained pigments (C) from approaching each other close enough to permanently coagulate.”* (illustration in parentheses added)

In summary, the highly fluorinated polymeric material in Chiang is coated on the particles (C) which is entirely different from the halogenated polymeric shell (E) surrounding the electrophoretic composition B which comprises particles C dispersed in a dielectric solvent D. Accordingly, Claim 1 is not anticipated by Chiang. This discussion also applies to the claims directly or indirectly dependent from Claim 1.

The above discussion clearly also applies to the independent Claim 45. Accordingly, Claim 45 and claims dependent therefrom are not anticipated by Chiang.

The Office Action refers to a Figure 3, columns 9 and 22 of Chiang. However, there are no Figure 3, column 9 or 22 in Chiang.

**Claims 1-5 and 13-15:**

Claims 1-5 and 13-15 are rejected under 35 U.S.C. 102(a) as allegedly being anticipated by Hsu et al (2006/0132896). The rejection is traversed.

The present application was filed January 27, 2004, and claims the benefit of a provisional application filed on January 30, 2003. Hsu was published on June 22, 2006, which is after the filing date of this application. Hsu is not a proper 102(a) reference.

Hsu was filed on November 28, 2005, with a priority claim to February 11, 2002. Hsu could only at most qualify as a 102(e) reference.

In Paragraph [0067], Hsu et al disclose that the core-shell particles may be microencapsulated. In Paragraph [0068], Hsu et al disclose that the preparation of the

microcapsules with the core-shell pigment particles enclosed therein is accomplished by interfacial polymerization/crosslinking reactions which may be followed by solvent evaporation and/or in-situ radical, ring opening or condensation polymerization/crosslinking reactions to harden the core (i.e., the core-shell pigment particle) of the microcapsules. Therefore, the microcapsules of Hsu et al enclose hard core-shell particles (C) with no solvent inside the microcapsules. Any solvent within the microcapsules is evaporated or dried out when the microcapsules are formed.

The core-shell particles do not act as electrophoretic display cells (A) as alleged in the Office Action. The Office Action mentions Paragraph [0071] of Hsu et al, however, the cited paragraph does not in any way support the Examiner's allegation.

Accordingly, Claim 1 is not anticipated by Hsu et al. This also applies to the claims directly or indirectly dependent from Claim 1.

### **35 U.S.C. §103 Rejections**

#### **Claims 6 and 7:**

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hsu et al (2006/0132896) in view of Rao et al (US Patent No. 6,372,838). The rejection is traversed because Hsu et al is not a proper reference under 35 U.S.C.103(c)(1).

The subject matter of Hsu et al only qualifies as prior art under 102(e) against the claimed invention. Because at the time this invention was made, the subject matter of Hsu et al and the claimed invention were owned by the same person or subject to an obligation of assignment to the same person, i.e., SiPix Imaging, Inc., Hsu et al shall not preclude patentability of the claimed invention under 35 U.S.C.103(c)(1).

#### **Claims 60 and 61:**

Claims 60 and 61 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Zang et al (US Patent No. 6,262,833) in view of Rao et al (US Patent No. 6,372,838). The rejection is traversed because Zang et al is not a proper reference under 35 U.S.C.103(c)(1).

The subject matter of Zang et al only qualifies as prior art under 102(e) against the claimed invention. Because at the time this invention was made, the subject matter of Zang et al and the claimed invention were owned by the same person or subject to an obligation of

assignment to the same person, i.e., SiPix Imaging, Inc., Zang et al shall not preclude patentability of the claimed invention under 35 U.S.C.103(c)(1).

**Claim 11:**

Claim 11 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Hsu et al (2006/0132896) in view of Jacobson et al (US Patent No. 6,323,989). The rejection is traversed because Hsu et al is not a proper reference under 35 U.S.C.103(c)(1), as explained above.

**Claim 63:**

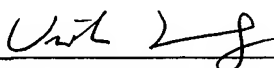
Claim 63 is rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Zang et al (US Patent No. 6,262,833) in view of Jacobson et al (US Patent No. 6,323,989). The rejection is traversed because Zang et al is not a proper reference under 35 U.S.C.103(c)(1), as explained above.

**CONCLUSION**

Applicants believe that the application is now in good and proper condition for allowance. Early notification of allowance is earnestly solicited.

Respectfully submitted,

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Enclosure (Exhibit 1)

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